

EXHIBIT 1

CAPANA SWISS ADVISORS AG vs RYMARK
MARTIN FASSER HEEG - 11/26/2024

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1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF UTAH
3
4 CAPANA SWISS ADVISORS)
AG, a Swiss corporation;))
5 AMERIMARK AUTOMOTIVE AG,))
a Swiss corporation;))
6)
Plaintiffs,) Case No. 2:23-cv-0046-TS-CMR
7)
vs.) Judge Ted Stewart
8)
RYMARK, INC., a Utah) Magistrate Judge:
9 corporation; NICHOLAS) Cecilia M. Romero
THAYNE MARKOSIAN, an)
10 individual; JOHN)
KIRKLAND, an individual;))
11 and VICKKY SMALL, an)
individual,)
12)
Defendants.)
13)

14
15 DEPOSITION OF
16 MARTIN FASSER HEEG
17 KUNZLER BEAN & ADAMSON
18 SALT LAKE CITY, UTAH
19 NOVEMBER 26, 2024
20
21
22
23
24
25

CERTIFIED COPY

1 A. No. I was not present.

2 Q. Do you know whether AmeriMark Group held
3 annual general meetings in each of the last, say,
4 five years?

5 A. No, I would not.

6 Q. Same question for AmeriMark Automotive, same
7 answer?

8 A. Same answer.

9 MR. RICHARDS: We've gone for a while. Are you
10 ready for a break?

11 MR. WORDEN: All right.

12 THE WITNESS: Yes. I think my voice can do with
13 tea.

14 (Recess taken from 11:53 a.m. to 12:11 p.m.)

15 MR. WORDEN: I was served earlier this morning
16 with a summons on a third-party Complaint against
17 AmeriMark Group AG or A-G. Mr. Fasser Heeg and I are
18 not legally authorized to accept service on behalf of
19 AmeriMark Group AG or A-G. Thank you.

20 MR. RICHARDS: And I'll just state for the record
21 that we dispute that. That will be delivered today.

22 MR. WORDEN: That's all right.

23 MR. RICHARDS: Welcome back, Mr. Fasser. I would
24 like to mark D-85.

25 (Exhibit D-85 marked.)

1 STATE OF UTAH)
) ss.
2 COUNTY OF SALT LAKE)

3 REPORTER'S CERTIFICATE

4 I, Amanda Richards, certified shorthand reporter
5 for the State of Utah, certify:

6 That the deposition of the witness herein was
7 taken before me at the time and place herein set forth,
8 at which time the witness was by me duly sworn to
9 testify the truth; that the testimony of the witness
10 and all objections made and all proceedings had of
11 record at the time of the examination were
12 stenographically reported and transcribed by me.

13 That the foregoing transcript, as transcribed by
14 me, is a full, true and correct record of my
15 stenographic notes so taken; that review of the
16 transcript by the witness was requested pursuant to
17 Rule 30(e) of the Utah Rules of Civil Procedure.

18 I further certify that I am neither counsel for
19 nor related to any party to said action, nor in anywise
20 interested in the outcome thereof.

21 IN WITNESS WHEREOF, I have subscribed my name
22 below this 5th day of December 2024.

23 Amanda Richards

24 Amanda Richards, CSR
25